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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHLEY M. GJOVIK, an individual,

Plaintiff,

vs.

APPLE INC., a corporation,

Defendant.

Case No. 3:23-CV-04597-EMC

**MOTION TO AMEND &
SUPPLEMENT
THE PLAINTIFF'S
COMPLAINT**

Motion Hearing:
Dept: Courtroom 5 (& Zoom)
Judge: Honorable Edward M. Chen
Date: February 27, 2025
Time: 1:30 PM PT

1 **MOTION & NOTICE OF MOTION**

2

3 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE
4 TAKE NOTICE that on Feb. 27 2025, in Courtroom 5, 17th Floor, of the Northern
5 District of California, Plaintiff Ashley Gjovik (“Plaintiff”) will, and hereby does,
6 move this Court for leave to file a Sixth Amended Complaint under Federal Rule
7 of Civil Procedure 15(a)(2). Plaintiff seeks to:

- 8 • Re-plead the previously dismissed without prejudice RICO (Racketeer
9 Influenced and Corrupt Organizations Act) claim, Bane Act (Cal. Civ.
10 Code § 52.1) claim, and Ralph Act (Cal. Civ. Code § 51.7) claim, now
11 with new factual information;
- 12 • Re-plead the Nuisance per se and Absolute Nuisance common law
13 claims;
- 14 • Re-plead the ultrahazardous activities claim, which was dismissed with
15 prejudice for discretionary reasons, and is now supported by additional
16 allegations (including recent findings by the Air Board regarding
17 violations);
- 18 • Incorporate newly discovered facts about the nude photographs and the
19 “Gobbler” camera application to strengthen and supplement Plaintiff’s
20 existing IIED (Intentional Infliction of Emotional Distress) claim;
- 21 • Re-plead the Cal. Labor Code § 1102.5 subclaim pertaining to the camera
22 application, previously dismissed with prejudice based on discretionary
23 grounds and arguments about lack of proof of knowledge, but now
24 supported by evidence that the employer (and Apple) had possession of
25 the photos and direct evidence of retaliation;
- 26 • Revise vicarious liability theories in light of recent evidence regarding
27 agent and employees’ conduct, which further supports a conspiracy and
28 scheme orchestrated or ratified by the employer; and

- 1 • Ensure the Proposed Amended Complaint accurately and
2 comprehensively reflects all new evidence and legal theories discovered
3 post-dismissal.

4 Plaintiff, Ashley Gjovik, respectfully moves this Court for an order granting
5 leave to amend the Complaint pursuant to Federal Rule of Civil Procedure 15, in
6 light of newly discovered evidence. This Motion is based on this Notice of Motion
7 and Motion, the accompanying Memorandum of Points and Authorities, all
8 pleadings and papers on file, and upon such other evidence or argument as may be
9 presented to the Court at the hearing.

10 In conclusion,

11 Dated: Jan. 31 2025

12 Signature:

13 

14 _____
15 /s/ Ashley M. Gjovik

16 *Pro Se Plaintiff*

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